

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Appln. No. 09/911,718

Attorney Docket No.: Q65524

REMARKS

Claims 1, 2, 4-13, 15-19 and 21-35 are all the claims pending in the application. By this Amendment, Applicant editorially amends claim 18. The amendments to claim 18 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claim 18 were not made for reasons of patentability.

By this Amendment, Applicant also adds claims 36-39. Claims 36-39 are clearly supported throughout the specification.

Preliminary Matter

As a preliminary matter, claim 18 is objected to because of a minor informality. Applicant has amended claim 18 to cure the minor informality. In view thereof, Applicant respectfully requests the Examiner to withdraw this objection to claim 18.

Prior Art Rejections

Claims 1, 2, 4-12, 15-19, 21-29, and 31-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over CollegeView.com (<http://web.archive.org/web/19970116182733/http://www.collegeview.com/> (hereinafter "CollegeView") in view of U.S. Patent No. 6,473,749 to Smith et al. (hereinafter "Smith"). Applicant respectfully traverses this rejection in view of the following comments.

Of these rejected claims, only claims 1 and 18 are independent. Independent claim 1, among a number of unique features, recites: "charging the educational organization according to volume of data at new registration or updating of contents data of an electronic leaflet conducted

during the generation of the leaflet.” The Examiner acknowledges that CollegeView does not teach or suggest the charging as set forth in claim 1. The Examiner, however, alleges that Smith cures the deficient teachings of CollegeView (*see* page 4 of the Office Action). Applicant respectfully disagrees.

Smith discloses a system for managing file content, such as presentation slides. The system includes an upload interface that can receive files, such as a file containing slides, from an upload client. The upload interface can extract data structures, such as slides or images, from each file, and index data from each data structure. The system also includes an index system that is connected to the upload interface. The index system can receive the index data from the upload interface and store the index data. A content storage system connected to the upload interface and the index system can receive data structures for storage from the upload interface system, and can provide a storage address for locating each data structure to the index system. A download interface is connected to the content storage system, and can be used to identify data structures matching a query and to download the data structures to a download client (*see* Abstract and col. 1, line 53 to col. 2, line 10).

Specifically, Smith discloses a charging tracking system that tracks credits for data structures submitted or charges for data structures selected from the file content management system. In Smith, for example, the charge tracking system 208 may be used to assign a charge for each data structure created by a user of the content editor 204, such that when the data structures are uploaded to the file content management system 106, the charge for each data structure is transmitted to the file content management system 106. Likewise, the file content

management system 106 may generate the charge data when the data structures are accessed by a user of a download client 104 from the file content management system 106, which may transmit the charge data for such data structures to the charge tracking system 208. In this manner, a user of upload client 102 that authors file content may access the charge tracking system 208 in order to determine the current charges assigned for the various data structures, charges accumulated by users of the download client 104, and other suitable charge data (Fig. 2; col. 6, lines 46 to 64, col. 4, line 66 to col. 5, line 12, col. 8, lines 1 to 9, and col. 9, lines 17 to 27).

That is, in Smith, the author of the data structure may assign a charge for the data structure being uploaded. Smith, however, only discloses crediting the user account when a data structure is uploaded. In other words, Smith fails to disclose or suggest charging the author for uploading the data structure. In Smith, the user is charge for the download and not the author for the upload. In Smith, the author receives credit for uploading the data structures. In short, even if, CollegeView and Smith would be combined in the manner suggested by the Examiner, then the users would be charged for the services and not the educational organizations. That is, the combined teachings of these references fail to disclose charging the education organization during electronic leaflet generation.

Moreover, Smith fails to disclose charging according to volume of data of the electronic leaflet or during updating of the content data. In Smith, the user is charged per data structure based on the charge assigned to the data structure by the author. That is, Smith fails to disclose or suggest charging based on volume of data in the electronic leaflet or during the update of the content data of the electronic leaflet.

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Therefore, “charging the educational organization according to volume of data at new registration or updating of contents data of an electronic leaflet conducted during the generation of the leaflet,” as set forth in claim 1 is not suggested or taught by the combined teachings of CollegeView and Smith, which lack charging the educational organization according to the volume of data during the generation of the leaflet. For at least these exemplary reasons, claim 1 is patentable over the combined teachings of CollegeView and Smith. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2, 4-12, 15-17, and 35.

Independent claim 18 recites: “an electronic leaflet generation unit making contents data related to leaflets concerning a plurality of educational organizations into electronic information after the educational organizations register the content data through designation of various kinds of selection items set using icons on a web site.” The combined teachings of CollegeView and Smith do not teach or suggest the educational organizations registering the content data prior to the generation of the leaflets.

That is, CollegeView does not teach or suggest how the information is placed on the website. In other words, in CollegeView, it could be an employee of the online application *i.e.*, CollegeView employee, that gathers the information about a number of colleges and stores them in a database. In CollegeView, there is no teaching or suggestion that each college register its information with the online application.

Smith fails to cure the deficient teachings of CollegeView. That is, Smith does not teach or suggest an electronic leaflet generation unit that would place the contents data related to

leaflets concerning a plurality of educational organizations into electronic information. That is, Smith fails to disclose making the electronic leaflets concerning plurality of educational organizations. Moreover, Smith fails to teach or suggest having the educational organizations register the content data prior to generation of the electronic leaflet. In Smith, the structured data is simply uploaded into the system. Smith, however, does not teach or suggest the educational organizations registering their content data on the web site prior to the generation of the electronic leaflets. In short, Smith fails to cure the deficient teachings of CollegeView.

Therefore, “an electronic leaflet generation unit making contents data related to leaflets concerning a plurality of educational organizations into electronic information after the educational organizations register the content data through designation of various kinds of selection items set using icons on a web site,” as set forth in claim 18 is not suggested or taught by the combined teachings of CollegeView and Smith, which lack having the educational organizations register the contents data *prior to* the generation of electronic leaflets. For at least these exemplary reasons, claim 18 is patentable over the combined teachings of CollegeView and Smith. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 18 and its dependent claims 19, 21-29, and 31-34.

Claims 13 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over CollegeView and Smith, and further in view of U.S. Patent No. 6,347,943 to Fields et al. (hereinafter “Fields”). Applicant respectfully traverses in view of the following comments.

Claims 13 and 30 depend on claims 1 and 18, respectively. Applicant has already demonstrated that the combined teachings of CollegeView and Smith do not teach or suggest

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unique features recited in the independent claims 1 and 18. Fields is only cited for its teaching of assessment mechanism. Clearly, Fields does not cure the deficient teachings of CollegeView and Smith. Therefore, claims 13 and 30 are patentable at least by virtue of their dependency on the independent claims 1 and 18, respectively.

New Claims

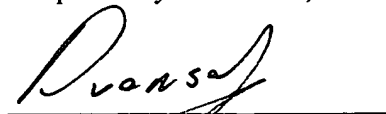
In order to provide more varied protection, Applicant adds claims 36-39. Claims 36-39 are patentable at least by virtue of their dependency on claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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